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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,288	03/20/2001	Steve Campolo	0267-1415CIP9 (41912.0156	2293
31108 7	590 11/30/2004		EXAM	INER
	TON, ESQ., BARRY TRAURIG, LLP	DONOVAN, LINCOLN D		
200 PARK AVENUE NEW YORK, NY 10166			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)			
	09/812,288	CAMPOLO ET AL.			
Office Action Summary	Examiner	Art Unit			
	Lincoln Donovan	2832			
The MAILING DATE of this commu Period for Reply	nication appears on the cover sheet w	ith the correspondence address			
A SHORTENED STATUTORY PERIOD THE MAILING DATE OF THIS COMMUN - Extensions of time may be available under the provisior after SIX (6) MONTHS from the mailing date of this com - If the period for reply specified above, the maximum of the period for reply is specified above, the maximum of Failure to reply within the set or extended period for reply any reply received by the Office later than three months earned patent term adjustment. See 37 CFR 1.704(b).	NICATION. ns of 37 CFR 1.136(a). In no event, however, may a nmunication. (30) days, a reply within the statutory minimum of thir statutory period will apply and will expire SIX (6) MOI by will, by statute, cause the application to become Al	reply be timely filed ty (30) days will be considered timely. NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).			
Status		•			
1)⊠ Responsive to communication(s) fi	led on 24 August 2004				
<u> </u>	_				
3) Since this application is in condition	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.				
Disposition of Claims					
4) ☐ Claim(s) 1-5 is/are pending in the a 4a) Of the above claim(s) 1 and 2 is 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 3-5 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restr	s/are withdrawn from consideration.				
Application Papers					
	001 is/are: a)⊠ accepted or b)□ ob ection to the drawing(s) be held in abeyar ng the correction is required if the drawing	nce. See 37 CFR 1.85(a). (s) is objected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim a) All b) Some * c) None of: 1. Certified copies of the priority 2. Certified copies of the priority 3. Copies of the certified copies	y documents have been received. y documents have been received in A s of the priority documents have been onal Bureau (PCT Rule 17.2(a)).	pplication No received in this National Stage			
Attachment(s)					
1) Notice of References Cited (PTO-892)	4) Interview S	Summary (PTO-413)			
2) Notice of Draftsperson's Patent Drawing Review (3) Information Disclosure Statement(s) (PTO-1449 o Paper No(s)/Mail Date 1-24-64 12-04-		s)/Mail Date nformal Patent Application (PTO-152) 			

DETAILED ACTION

Election/Restrictions

Claims 1-2 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected claimed invetion, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 08-24-04.

Applicant's election with traverse of claims 3-5 in the reply filed on 08-24-04 is acknowledged. The traversal is on the ground(s) that the claims interdepend upon each other. This is not found persuasive because claims 1-2 are drawn to a specific structure and claims 3-5 are drawn to a manufacturing/shipping method requiring different search and considerations.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacBeth [US 20030085783].

MacBeth discloses a circuit interrupting device having a reset lockout and reverse wiring protection manufactured for installation in a reset lock out state and tested by activation thereof [paragraphs 50-51].

It would have been obvious to one of ordinary skill in the art at the time the invention was made that the interrupting device would have to have been introduced into "the stream of commerce" in order for the installer to override the reset lockout protection.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Benke et al. [US 5,628,394].

Benke et al. discloses a circuit interrupter being in the open position prior to installation [column 6, line 64-column 7, line 8].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to pretrip a GFCI prior to installation, as suggested by Benke et al., in order to prevent a shock hazard.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gadre et al. [US 6,590,172].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is 571-272-1988. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2832

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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